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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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| In re Applications of |) | MM Docket No. 93-94 |
| Scripps Howard Broadcasting Company |) | FCC File No. BRCT-910603KX |
| For Renewal of License of Station WMAR-TV, Baltimore, Maryland |) | |
| and |) | |
| Four Jacks Broadcasting, Inc. |) | FCC File No. BPCT-910903KE |
| For a Construction Permit |) | |
| For a New Television Facility on Channel 2 in Baltimore, Maryland |) | |

TO: The Honorable Richard L. Sippel
Presiding Administrative Law Judge

**MOTION FOR CORRECTION OF MEMORANDUM
OPINION AND ORDER**

Scripps Howard Broadcasting Company ("Scripps Howard"), licensee of Station WMAR-TV, Baltimore, Maryland, and an applicant in the above-referenced proceeding, through counsel, hereby respectfully moves for correction of the Presiding Judge's Memorandum Opinion and Order ("MO&O"), FCC 93M-303, released May 26, 1993.

In the MO&O's statement of facts it is reported:

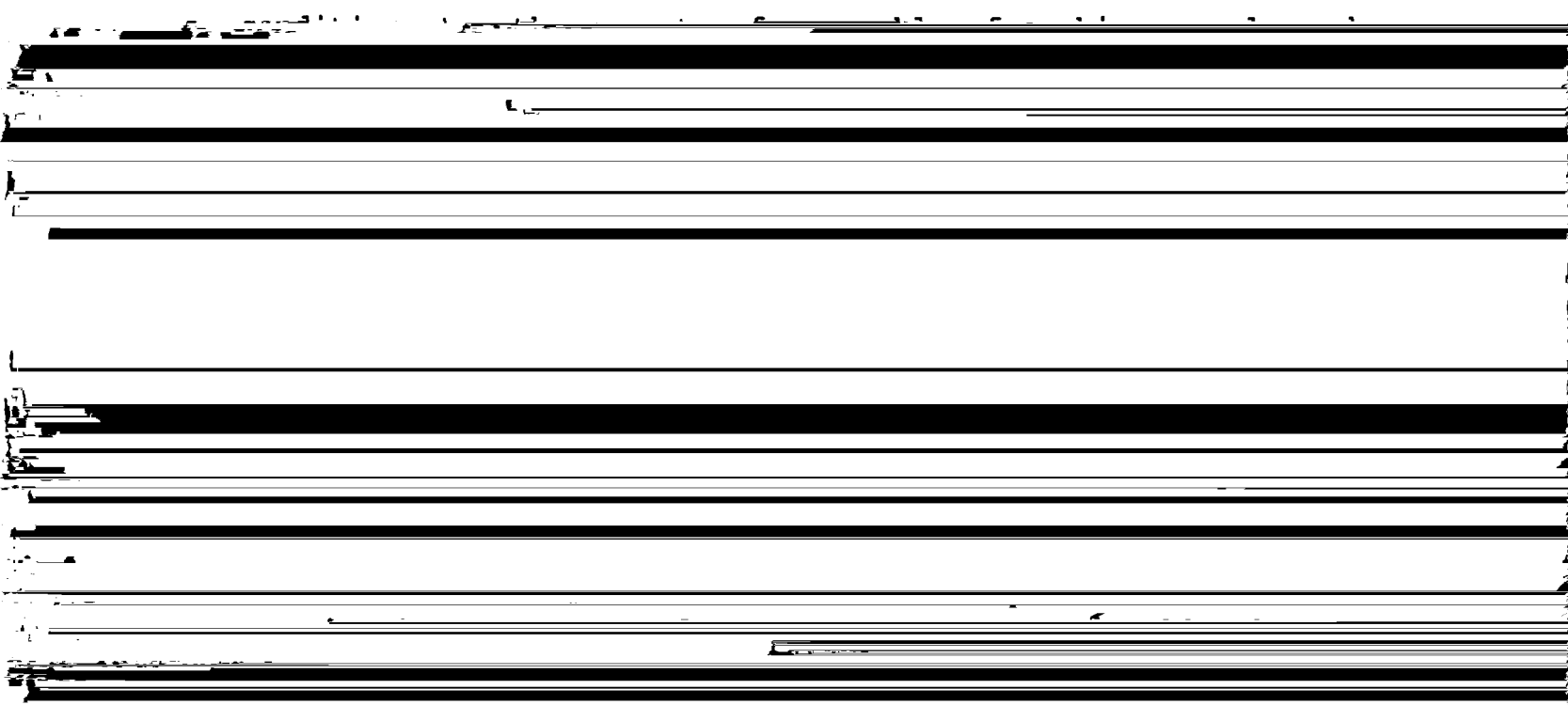
The jury found that the process whereby the municipality selected SCT involved the use of a scheme to trade a monopoly franchise in

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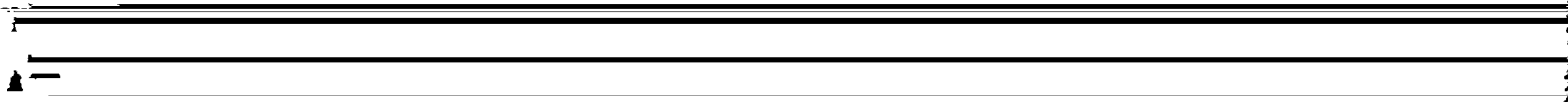




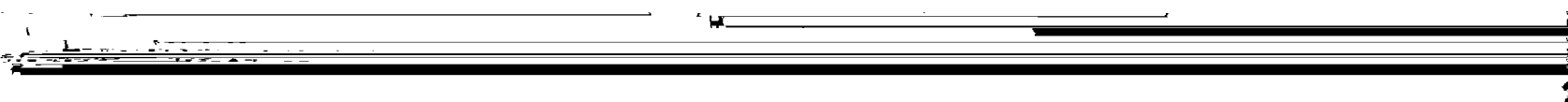
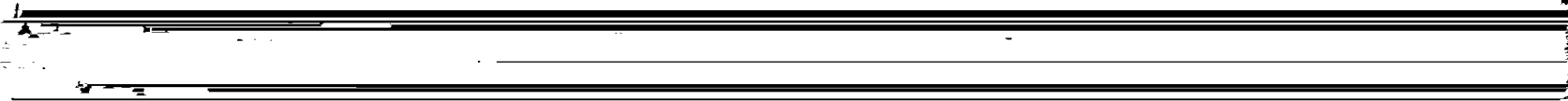
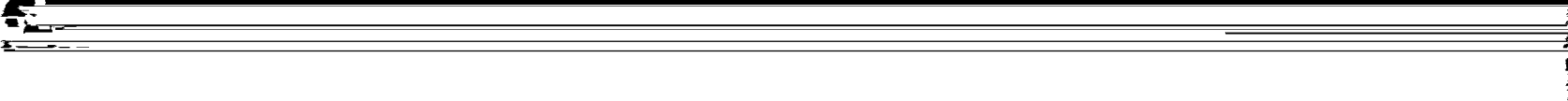


exchange for **illegal payoffs**, in-kind services,
and increased campaign contributions. [Pacific
West Cable Co. v. City of Sacramento, 672 F.
Supp. 1322 (E.D. Cal. 1987)] at 1338, 1349-
50.

MO&O at ¶ 3 (emphasis added). In fact, neither the cited jury findings nor the judge's analysis thereof includes any suggestion that "the making of cash payments and provision of 'in-kind' services by the company ultimately selected to provide cable television service to the Sacramento market" involved any illegal payment or "payoff." The finding with respect to "cash payments" instead refers apparently to the requirement that the entity selected as the franchisee would pay a franchise fee to the defendants. The reference to the "provision of 'in-kind' services" likewise appears to refer to franchise-required public, educational and government ("PEG") program services. The payment of franchise fees and the offering of such "in-kind" program services to the local government which awards the franchise are often required as



parties' or the Presiding Judge's time than absolutely necessary in discussing the scope of jury findings which Commission policy has deemed to be wholly irrelevant to the issues addressed in this proceeding.

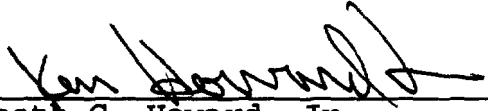
Nevertheless, the matter of these jury findings was raised yet again in Four Jacks Broadcasting, Inc.'s ("Four Jacks") still pending Petition to Enlarge Issues Against Scripps Howard, filed May 13, 1993, and the scope of any perceived adjudicated "misconduct" might conceivably (though improperly in Scripps



finding of "illegal payoffs" in connection with the award of the Sacramento cable franchise.

Respectfully submitted,

SCRIPPS HOWARD BROADCASTING
COMPANY

By: 
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June 2, 1993

